

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 6

February 26, 2002

**SUBJECT: USE OF INFORMANTS AND ACTIVATION OF THE INFORMANT
MANUAL**

PURPOSE: The 2000 Board of Inquiry (BOI) found that many of our specialized commands had excellent systems for handling informants, but those systems were not being utilized Departmentwide. For example, the BOI found numerous arrest reports showing an informant as the source of police activity, but no informant package was on file with the commanding officer. The BOI also found few Departmentwide standards governing management oversight of informants. Those shortcomings notwithstanding, the BOI recognized that informants are a critical law enforcement tool. But like any other tool, those resources must be managed properly. As a solution to those problems, the BOI recommended that the Department publish an Informant Manual, a recommendation that was later incorporated into the Consent Decree.

This Order activates the Informant Manual, which establishes Departmentwide standards for the development, use, and maintenance of informants. The Manual also contains operational suggestions that reflect the best practices used by many of our specialized commands to enhance officer safety, minimize civil liability, and safeguard informant information.

PROCEDURE:

- I. DEPARTMENT INFORMANT MANUAL - ESTABLISHED.** The Informant Manual is activated and shall be used as the Department's standard for the development, use, and management of informants. The Commanding Officer (C/O), Criminal Intelligence Group (CIG), shall maintain the Informant Manual and, working through the Operations Committee, shall submit any recommended revisions to the Chair of the Operations Committee for consideration.
- II. NON-INFORMANT SOURCES OF INFORMATION.** Police officers routinely receive information regarding suspicious activity from a variety of sources. Usually, those sources consist of concerned community members who observe unusual activity and pass their concerns onto officers. This type of communication between police officers and community members is entirely consistent with our Community Policing philosophy. Generally, this type of communication does not constitute receiving information

from an "informant" because the person is simply providing general information, which must be verified independently by the officer (see Informant Manual Section 1/110).

It is critical that all officers distinguish between non-informant and informant sources of information as this Manual establishes strict controls for informants. One of those controls is that any use of the term "informant" in a Department report signifies that an informant package has been prepared and is on file within the Department.

III. INFORMANTS—DEFINED. Generally, an informant is a person who provides information on a recurring basis and/or in exchange for consideration regarding specific criminal activity and who acts under the direction of an investigator (Informant Manual Section 1/120). Usually, an informant requires confidentiality, as their safety would be jeopardized should their informant status become known. There are two basic categories of informants: citizen informant and criminal informant.

A. Citizen Informant. A citizen informant is a person motivated by good citizenship who provides information under circumstances that do not cast doubt on the person's truthfulness. A citizen informant differs from regular community members in that a citizen informant's uncorroborated information can constitute sufficient probable cause for law enforcement action. However, a person who is merely the victim of or a witness to a crime is usually not considered to be an informant for whom an informant package is prepared.

B. Criminal Informant. A criminal informant is a person who usually has a background involving criminal activity (previous arrests or a close association with people who have arrest records) and who is generally motivated to provide information to a law enforcement agency for one or more of the following reasons:

- * Consideration in a pending criminal case;
- * Monetary compensation (other than a public reward offer);
- * Elimination of competition; and/or,
- * Revenge.

Criminal informants are further classified as either a tested reliable criminal informant or an untested criminal informant.

An arrestee who provides information on his/her crime partners is usually a percipient witness and is generally not considered to be an informant as his/her identity usually must be disclosed when a criminal filing is sought. However, an arrestee who provides information on other crimes and who is motivated to do so by one or more of the four factors listed above is considered to be an informant and shall be properly documented, e.g., an Informant Control Package shall be prepared.

- IV. INFORMANTS LIMITED TO NON-UNIFORMED ASSIGNMENTS.** The Consent Decree reiterates Department policy limiting the use of informants to officers who are in investigative assignments. Consequently, uniformed officers are not allowed to use or maintain informants. A uniformed officer who comes in contact with a potential informant shall refer that person to the appropriate investigative entity.
- V. EXEMPTION FOR ANTI-TERRORIST DIVISION AND SHARED INFORMANTS.** The Informant Manual requires officers to submit an Informant Information Form, Form 3.23, to Narcotics Division so the informant can be entered into the Confidential Informant database and issued a Confidential Informant (CI) number. However, Anti-Terrorist Division (ATD) informants and informants shared with another law enforcement agency are exempt from entry into the database. Anti-Terrorist Division will issue their informants a CI number. The package for informants who are shared with another agency shall be so marked in red ink on the front of the package and the commanding officer (C/O) shall contact Narcotics Division to arrange for a shared informant to be issued a CI number.
- VI. BRINGING EXISTING INFORMANT FILES INTO COMPLIANCE WITH THE MANUAL.** All commands shall bring their active informants into compliance with the Manual within 60 days of this Order being published. That includes the issuance of a CI number. Except for exempt informants (ATD or shared), informants who have become inactive within the past five years shall be entered into the Confidential Informant database and issued a CI number. That can be accomplished

by providing Narcotics Division with either an Informant Information Form for the inactive informant or a similar form provided that the alternative form contains, at a minimum, the informant's name, aliases and date of birth as well as the name, serial number and assignment of the investigator handling the informant.

VII. DEVIATIONS FROM THE INFORMANT MANUAL. The Informant Manual recognizes that certain specialized divisions, such as Anti-Terrorist Division and Internal Affairs Group (IAG), handle highly sensitive information. If a command needs to deviate from the Manual's non-Consent Decree provisions, prior written approval shall be obtained from the Commanding Officer, Operations-Headquarters Bureau, or in the case of IAG, from the Chief of Staff.

The following provisions of the Manual, provided here in summary form, are required by the Consent Decree and any deviation from them must be approved in writing by the Chief of Police:

- * An officer shall not utilize a person as an informant until an informant control package has been completed and approved by the C/O;
- * A supervisor shall meet with the informant at least once prior to approving the informant package;
- * Supervisors and the C/O shall review each informant package for completeness and compliance with the Informant Manual before approving the package;
- * Each informant shall be assigned a CI number;
- * Commanding officers shall maintain informant packages in a secure location with restricted access;
- * Access to an informant package shall require prior supervisory approval and a written record shall be maintained showing each accessing officer's name, serial number and date of access;
- * Informant packages shall not be retained outside the designated secure location beyond end of watch without supervisory approval;
- * An officer receiving information from an informant who has not been used as a source for three months or longer shall check the Undesirable Informant File and update the informant's package prior to acting on the information;

- * Officers shall notify a supervisor of any contact with an informant and confer with a supervisor prior to meeting with an informant;
- * Officers shall document all meetings, significant contacts, and information received in the package;
- * When an officer takes action based on information supplied by an informant, he shall document the information and investigative results in the package;
- * Officers shall admonish each informant not to violate any laws in gathering information; and,
- * Except for informants maintained by Anti-Terrorist Division and those used in conjunction with another agency, a centralized database of informants shall be maintained listing each informant's name, aliases and date of birth.

AMENDMENTS: This Order amends Sections 2/649.22, 4/733.10 and 4/733.20 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Criminal Intelligence Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

BERNARD C. PARKS
Chief of Police

DISTRIBUTION "A"